

REMARKS

This responds to the Office Action mailed on July 29, 2008. The pending claims stand rejected under 35 U.S.C. § 103. Claims 1, 22, 24 and 41 are amended and claims 2 and 25 are cancelled. Reconsideration is respectfully requested in light of these amendments and the following remarks.

Independent claim 1:

Claim 1, as amended, recites the steps of terminating the first GPRS MM context while the mobile device is out of network coverage of any GPRS wireless network, and deleting a first set of data associated with the first GPRS MM context. The claim has been amended to specify that the first GPRS MM context is terminated after the mobile device has gone out of network coverage with any GPRS wireless network. Previously, the claim required that the context be terminated while the mobile device is not in communication with any wireless network. The patent owner submits that this amendment further distinguishes over the cited prior art and clearly overcomes the rejection of claim 1.

The final office action cites to Fig. 12, col. 12, lines 31-42 of the Sinnarajah reference as teaching the communication state during which the mobile device is not in communication with any wireless network. This portion of the Sinnarajah reference describes a “dormant state” where the wireless device is not actively in communication with the network. However, during the “dormant state” described in Sinnarajah, the wireless device maintains its packet data connection with the network. (See, Sinnarajah, col. 12, lines 43-56.) That is, Sinnarajah does not contemplate any processes that are performed when the mobile device goes out of network coverage with any GPRS network, as recited in amended claim 1.

Amended claim 1 includes similar limitations as cancelled claim 2. However, the rejection of claim 2 in the final office action is inapplicable to amended claim 1. Cancelled claim 2 recited that “the non-communicative state is resultant from the mobile device being in an out-of-coverage state with the wireless network.” In the rejection of claim 2, the final office action cited to Fig. 5 of Madour and concluded that Madour teaches this limitation because its “mobile device is out-of-coverage with respect to SGSN1.” As explained in the response to the previous office action, the applicant submits that this is an unreasonable interpretation of the claim language. Nonetheless, the rejection does not apply to amended claim 1 because claim 1 requires that the mobile device be out of coverage of any GPRS network, not out of coverage with respect to one of multiple base stations.

The applicant further submits that even without the present amendments, the rejection of claim 1 (as well as the other independent claims) set forth in the final office action fails to establish a proper rejection under 35 U.S.C. § 103(a). In order to establish a *prima facie* case of obvious under 35 U.S.C. § 103, the prior art reference (or references when combined) must teach or suggest all the claim limitations, or the Examiner must explain why the difference(s) would have been obvious to one of ordinary skill. *See*, MPEP 2141 II. In this case, the examiner has done nothing more than cite to portions of references that, taken in context, have absolutely nothing to do with the language of the claim. By pulling apart the language of the claims to the point that they lose all of their intended meaning, the examiner is merely matching out-of-context words from the claim with equally out-of-context words from various references. This is clearly at odds with MPEP 2141.02, which explains that the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. In this case, none of the cited references teach

anything even remotely related to what is recited in the claim when it is taken as a whole. Accordingly, this type of piecemeal rejection clearly fails to establish that a person skilled in the art would have derived the claimed invention, and thus fails to establish a *prime facie* rejection under 35 U.S.C. § 103(a). Claim 1 and its dependent claims are therefore patentable and in condition for allowance.

Dependent claim 22:

The applicant also strongly disagrees with the rejection of dependent claim 22. Nonetheless, dependent claim 22 has also been amended to further distinguish it from the cited references.

Dependent claim 22 recites that the first set of data also includes control data that is deleted and that the user data associated with the first GPRS MM context is re-associated to the second GPRS MM context. That is, after the mobile device loses GPRS network coverage, the queued data (i.e., the first set of data) is deleted, including both the control data and the user data. When a second MM context is later established, the user data is re-associated so that it does not have to be recreated by the user. Nothing like this is disclosed in the cited references.

In the rejection of claim 22, the final office action cites to Fig. 13, reference 1320, in the Madour reference. This portion of Madour merely teaches that when a mobile device roams from one base station to another within a network, that the data packets destined for the mobile device are handed-off from the previous base station (GGSN1) to the new base station (GGSN2). This is not what is being claimed. Madour is not re-associating previously deleted user data with a new MM context. It is simply passing data from one base station to the next. Again, this rejection takes the language of the claim out of context in an attempt to shoehorn it onto a completely unrelated reference. The claim does not just require that data that was associated

with a first GPRS context be re-associated to a second GPRS context. It requires that the data being re-associated has first been deleted from a queue. By ignoring this association between the different elements of the claim, the rejection divorces all meaning from the claim. As such, the rejection clearly fails to establish that the claim as a whole is obvious to a person skilled in the art in light of the cited references.

Independent Claims 24:

Independent claim 24 has been amended to specify that the first PDP context is terminated while the mobile device is out of network coverage with any wireless data network. The Applicant submits that the rejection of claim 24 is improper and that the cited references fail teach or suggest at least these limitations for the reasons stated above with respect to the similar limitations in claim 1. Claim 24 and its dependent claims are therefore patentable over the cited references and the rejections under 35 U.S.C. § 103 should be withdrawn.

Independent Claim 41:

Independent claim 41 has been amended to recite the step of detecting that the mobile device is out-of-coverage with any wireless network. The Applicant submits that the cited references fail to teach or suggest at least these limitations for the reasons stated above with respect to the similar limitations in claim 1. Claim 41 and its dependent claims are therefore patentable over the cited references and the rejections under 35 U.S.C. § 103 should be withdrawn.

Independent Claim 51:


Independent claim 51 is a system claim that recites executable network management program code that performs the method of claim 41 when executed. Claim 51 and its dependent claims are therefore patentable for at least the same reasons as claim 41.

Conclusion

For at least the above reasons, the Applicant respectfully submits that the pending claims are patentable over the cited reference and in condition for allowance.

Respectfully submitted,

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